United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

COURT OF APPEALS
DISTRICT OF COLUMBIA
FILED
FEB 16 1924
Henry W. Hodges
CLERK

No. 4080.

In the Court of Appeals of the District of Columbia.

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C. LEVENSALER ET AL., APPELLANTS,

v.

UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION, APPELLEE.

BRIEF FOR APPELLEE.

PEYTON GORDON,
United States Attorney.
VERNON E. WEST,
Assistant United States Attorney.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1924

In the Court of Appeals of the District of Columbia.

C. LEVENSALER ET AL., APPELLANTS,
v.
UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION, appellee.
} No. 4080.

BRIEF FOR APPELLEE.

This case was before this Court in a former appeal in which the appellee here, United States Shipping Board Emergency Fleet Corporation (defendant below), had appealed from a judgment against it in the Court below. This judgment was reversed and the case remanded for a new trial. In order that the questions of law involved might be presented to the Supreme Court of the United States if that Court will take the same upon a writ of certiorari, appellants here (plaintiffs below) amended their declaration to allege only such facts as they had been able to prove at the trial. A demurrer to the declaration (record, page 4) was sustained, and the case is again here on appeal.

This declaration fails to state a cause of action under the decision of this Court on the former appeal. *United States Shipping Board Emergency Fleet Corporation* v. *C. Levensaler et al.*, 290 Fed. 297.

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It is respectfully submitted that the judgment of the court below was correct.

PEYTON GORDON,
United States Attorney.
VERNON E. WEST,
Assistant United States Attorney.

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